

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:20-cv-00954-WO-JLW**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and
VITAL MANAGEMENT SERVICES,
INC.,

Defendants.

**DEFENDANTS' RESPONSE TO
PLAINTIFF FARHAD AZIMA'S
MOTION TO SEAL**

Pursuant to Local Rule 5.4(c)(3), Defendants Nicholas Del Rosso (“Del Rosso”) and Vital Management Services, Inc. (“VMS”) submit the following supporting material in response to Plaintiff Farhad Azima’s (“Plaintiff”) Motion to Seal (D.E. 202) and accompanying memorandum (D.E. 203). Plaintiff has moved to seal Exhibit 1 (D.E. 201-1) to Plaintiff’s Opposition to Defendants’ Motion to Quash and for Protective Order (D.E. 201), which contains transcript excerpts from Del Rosso’s deposition that Defendants designated confidential pursuant to the Protective Order entered in this case. (*See* D.E. 204).

Defendants contend that the portions of Exhibit 1 which they designated as confidential should remain under seal because it involves discussion of details surrounding Defendants’ sensitive and confidential work with a sub-contractor, where that work was performed at the direction of Dechert LLP

(“Dechert”) in furtherance of Dechert’s representation of Ras al Khaimah (“RAK”) and its related entities. Public disclosure of these details given the sensitive nature of Defendants’ fraud examination work would dissuade future clients of Defendants from trusting the integrity and confidentiality of Defendants’ services. In addition to Defendants treating this information as confidential, RAK similarly treats this information as confidential, as it involves work that was the product of instructions and communications from Dechert on behalf of RAK, resulting in work-product used in furtherance of that representation. (*See, generally*, D.E. 182-4).

Accordingly, public disclosure of the redacted information in Exhibit 1 would significantly impact Defendants’ business interest in maintaining confidentiality for its clients, *see Huntley v. Crisco*, 2020 WL 9815384, at *2 (M.D.N.C. Sept. 25, 2020) (acknowledging that “whether disclosure would harm the party’s . . . business interests” is a factor weighed by the court in determining whether sealing should be granted), and would unnecessarily impede the privacy interests of third parties, *see id.* (acknowledging that certain private interests—including “privacy interests of non-parties” and “attorney-client relationships”—can overcome the presumption of public access to judicial records). Moreover, the public’s interest in the information in Exhibit 1 is not as strong at this stage. *See SmartSky Networks, LLC v. Wireless Sys. Sols., LLC*, 2022 WL 4933117, at *9 (M.D.N.C. Sept. 26, 2022)

(“Unlike later, merit-related stages of litigation, such as summary judgment, the public’s interest at this discovery stage is not as strong.”) Lastly, the redaction of this information is limited, and there is no less drastic means that will preserve the confidentiality interests noted above.

Therefore, Defendants request that the redacted portions of Exhibit 1 remain under seal in their entirety.

Respectfully submitted, this the 24th day of April 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send electronic notification of filing to the following:

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